

SYSTEMSTATS



North Carolina Criminal Justice Analysis Center

Governor's Crime Commission

Child Support Application Filing Rates and Domestic Violence Protection Order Cases

Introduction/Study Rationale

The issue of children within the context of domestic violence relationships has become a primary focal point for victims' advocates as well as members of the criminal justice system. Significant advances have been made not only to document the long-term consequences of witnessing domestic violence, but also to enact legislation, effect policy changes and implement programs to assist and protect these children. While these programs and changes have been oriented to the child's general health and well-being, there has been less policy focus on promoting or assuring the victims' ability to provide adequate financial support for their children when separating from the abusive party, specifically, during the process of filing both short-term ex-parte orders and permanent domestic violence protection orders and during the time period when these civil orders are in effect. Economic independence has been clearly documented as a major factor in victims' decisions and ability to separate from their abusive partners, particularly when there are children involved.

North Carolina, as is true of many states, recognizes the link between economics and domestic violence by allowing child support as one type of relief available to victims applying for protective orders under North Carolina General Statute Chapter 50B-3(a6). A September, 2001 study conducted by the North Carolina Criminal Justice Analysis Center, at the request of the Domestic Violence Commission, found that child support was authorized in only 21% of civil domestic violence protective orders when the victim specifically requested such financial support. Discussions with judicial personnel regarding these findings validate reluctance on the part of many district court judges to authorize child support payments in domestic violence protection order hearings.

Numerous reasons have been offered to explain this judicial hesitancy. Many judges do not believe that 50B hearings are the proper forum for reviewing child support requests. In addition, many judges believe that child support guidelines should be applied in these circumstances, but the process of applying these guidelines is too lengthy and cumbersome in what is designed to be an expedited emergency hearing. Others offer ideological reasons based on the idea that the possibility of imposing criminal sanctions for non-payment of child support is inordinately harsh and unfair given the availability of other sanctions and remedies that are more effective in extracting child support from the absent parent. These critics point to the disparity that exists between the penalty for non-payment of support in civil so-called 50B domestic violence cases and those attached to failure to pay child support in "regular" so-called IV-D child support cases, as administered by the Department of Health and Human Services, Division of Social Services and through local offices. Violators of valid 50B orders are subject to criminal prosecution and can be convicted of a Class A1 misdemeanor or a Class H felony following a third violation and conviction. In contrast, violation of an order of child support, as a sole offense, is punishable as a Class 2 misdemeanor. Critics argue that punishing one for failing to provide support, within a 50B domestic case, is too punitive when contrasted with the punishment for failing to provide support in non-domestic violence cases. Critics further reason that incarcerating individuals for non-support can be detrimental and even counterproductive as offenders may lose pay, and possibly jobs while in jail, and then be in a much weakened position to provide financially for their children. Other available sanctions, such as contempt or garnishment of wages, critics say, are effective in both punishing offenders and eliciting child support from them.

Regardless of the reasons for not authorizing child support as a condition of a Chapter 50B order many offenders will deliberately withhold child support as an intimidation tactic to coerce victims, who have filed short-term ex-parte orders, to not pursue the permanent order and consequently force them to return to the batterer out of financial dependency. Financial independence is critical for victims who are trapped in abusive relationships yet are also attempting to extricate themselves from the situation. Indeed, one of the key goals of the 2003 Child Well-Being and Domestic Violence Task Force was to enhance the economic self-sufficiency of domestic violence protection order plaintiffs.

This report presents the findings of a quasi-experimental study which sought to increase the number of IV-D child support applications among 50B victims by raising the awareness of plaintiffs filing for domestic violence protection orders about their right to request support in that setting, and by providing information to plaintiffs about how to apply for on-going child support through the state or county Child Support Enforcement office. Specifically, two strategies were implemented and tested in an effort to assess if either one or both were successful in this regard. Informational packets, including the location of the local Child Support Office, instructions on completing the necessary paperwork and explaining the required documents as well as information explaining eligibility and the type of support available, were compiled and provided to all plaintiffs at the time of filing their respective 50B order requests with the clerk.

The second strategy involved disseminating the same informational packet as well as a request that if the plaintiffs wanted to learn more about child support they could voluntarily request a follow-up phone call from staff of the local Child Support Enforcement Call Center. These calls verified that the plaintiff had requested more information, reiterated the procedures and necessary documentation as outlined in the informational packet, and provided an opportunity for responsive questions and answers about the application process between Child Support Enforcement Call Center staff and 50B plaintiffs.

Methods

Study Sites

Two counties were selected as pilot test sites based upon express conversations and agreements with the Chief District Court Judges of the two counties and a strong level of commitment, on the part of both local court and child support personnel, to participate and collect both baseline and study data. Forsyth County, in District 21, was selected to test the first strategy involving the dissemination of informational packets and Bertie County, part of District 6B, was selected to test the combination strategy of disseminating the informational packets accompanied by follow-up phone calls. Control, or comparison, counties were selected on the basis of comparable population sizes and case volumes. Guilford County, in District 18, was selected as the comparison county for Forsyth with Pender County, in District 5, serving as the comparable match for Bertie County.

Procedure

Pilot testing was conducted during an eight week study period from April 10th to June 9th, 2006. During this period every applicant for a civil domestic violence protection order received an informational packet containing the materials discussed above. Packets were available in both English and Spanish. The extent of data collection varied across the two pilot sites with clerk of court personnel in both pilot counties compiling a list containing the name of each person receiving a packet. An additional procedure was followed by staff in Bertie County who also forwarded the names of those individuals, requesting follow-up phone calls, to the local Child Support Enforcement Call Center who returned these calls within three days of receiving the names from the Clerk of Court. Call Center staff tracked the number of all persons requesting calls, the number actually contacted and the number who applied for child support during the eight week study period.

Child Support Application Filing Rates and Domestic Violence Protection Order Cases

At the close of the study period all data and tracking lists were submitted to staff of the North Carolina Criminal Justice Analysis Center, the research section of the Governor's Crime Commission, for analysis. A list of all persons applying for civil protection orders during the study period within the four counties was requested from the state Administrative Office of the Courts. A similar list was also obtained for the baseline or comparison period which was defined as the same eight week period for the prior year (April 10th - June 9th, 2005). The master lists were forwarded to the state Child Support Enforcement Office where staff conducted name matches to ascertain how many 50B applicants during both the baseline and study periods applied for child support. In order to protect confidentiality and assure applicant anonymity only the total number of dual applicants was recorded and returned to the Analysis Center staff; thus precluding the identification of any single individual.

Rates were calculated, based on the following formula, in order to normalize the data and to permit comparisons for both within the four county groups (baseline period vs. study period) as well as for comparisons across the counties to assess the effects of the two study strategies (Forsyth Informational Packets vs. Guilford County Comparison Group; Bertie Informational Packets and Phone Calls vs. Pender Comparison Group).

Number of Child Support Applications Filed (4/10 – 6/09)

Number of 50B Civil Protection Orders Filed (4/10 – 6/09)

X 1,000

Results

Unfortunately, given the small number of packets which were distributed in Bertie County, and the fact that none of the recipients requested a follow-up phone call from the Child Support Call Center, testing the efficacy of these calls on enhancing the number of applicants for child support was precluded. However, comparing the effects of distributing informational packets, between larger urban jurisdictions and smaller rural jurisdictions, remained possible with the results being presented below.

The data were compiled and analyzed by two distinct categories. One set of analyses was person-based utilizing a name matching technique in order to ascertain the number of different people that applied for 50B orders and also applied for child support during the respective study periods. A second set of analyses was conducted by using the aggregate filing rates, as outlined above, for each of the 4 counties during the baseline and study periods.

Child Support Application Filing Rates and Domestic Violence Protection Order Cases

Person Based - Name Matching Analysis

As Table 1 depicts the number of individuals filing for child support increased from the baseline period to the study period. This increase occurred within both pilot counties as well as within the control or comparison counties. The largest growth occurred in Forsyth County (36.5%), followed by Pender County (30%) and Guilford County (18.9%). Child support filings grew 4.5% in Bertie County from the baseline period to the corresponding study period.

Table 2 presents the number of persons filing civil protection orders during the baseline and study periods. The number of people filing civil protection orders dropped in three counties with the largest decline occurring in Forsyth County (18.3%), followed by Bertie County (11.1%) and Guilford County (1.3%). The number of people filing protection orders in Pender County during the study period was 22.7% greater than the number filed during the corresponding baseline period.

Table 1 Child Support Filings: Baseline and Study Periods

County	Number in Baseline Period	Number in Study Period	% Change
Forsyth	137	187	36.5%
Pender	30	37	30.0%
Guilford	1,066	1,267	18.9%
Bertie	22	23	4.5%

Table 2 Civil Protection Order Filings: Baseline and Study Periods

County	Number in Baseline Period	Number in Study Period	% Change
Forsyth	191	156	- 18.3%
Bertie	9	8	- 11.1%
Guilford	303	299	- 1.3%
Pender	44	54	+ 22.7%

Child Support Application Filing Rates and Domestic Violence Protection Order Cases

Of the 191 people, who filed for a civil protection order in Forsyth County during the baseline period, none applied for child support during the same period. During the study period 156 filed civil protection orders and of this number 5 (3.2%) also requested child support. Similar findings were also found to exist in the other pilot site. During the baseline period 9 people filed civil protection orders, in Bertie County, of which none sought child support during the same period. Eight people filed civil protection orders, during the study period, with one (12.5%) petitioning for child support as well.

Comparable findings were also found to exist within the control or comparison sites. Of the people filing civil protection orders in Pender County during the baseline period (N=44) none requested child support. The same condition occurred during the study period with 54 individuals filing civil protection orders, yet none of these persons sought child support. The number of individuals, in Guilford County, who filed both a protection order and a request for child support dropped when comparing the baseline period to the study period. During the baseline period 303 people filed protection orders of which 15 (5.0%) also sought child support. During the study period 299 individuals filed protection orders of which 12 (4.0%) also filed for child support (Refer to Table 3).

Table 3 Dual Civil Protection and Child Support Filings: Baseline and Study Periods

County	Number in Baseline Period	Number in Study Period
Forsyth	0	5
Bertie	0	1
Guilford	15	12
Pender	0	0

Comparisons were drawn for both the two pilot sites and the two comparison or control sites. The change in the number of people filing for both child support and civil protection orders was statistically significant when comparing the baseline and study periods for Forsyth County but not for Bertie County. Despite low numbers, the data does suggest that distributing informational packets to people who file civil protection orders was marginally successful for increasing the number of child support filings in

Forsyth County. As expected, no significant differences occurred in the comparison counties when comparing dual filings in the baseline and study periods.

Child Support Application Filing Rates and Domestic Violence Protection Order Cases

Tables 4 and 5 present the findings for comparisons between the counties. No statistically significant differences were found to exist when comparing dual filings during the study period for either the large county group (Forsyth/Guilford) nor the smaller county group (Bertie/Pender). In fact the percentage of dual filings was higher in the control county of Guilford (4.0%) versus the pilot site in Forsyth County (3.2%).

Table 4 Study Period Filing Status: Forsyth and Guilford

County	Number Filing Child Support and Protection Order	Number Filing Protection Order Only
Forsyth	5	151
Guilford	12	287

Yates Corrected Chi-square: $X(1, N=455) = 0.029, p=.864$

Table 5 Study Period Filing Status: Bertie and Pender

County	Number Filing Child Support and Protection Order	Number Filing Protection Order Only
Bertie	1	7
Pender	0	54

Yates Corrected Chi-square: $X(1, N=62) = 1.245, p=.265$

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Table 6 presents a comparison between the smaller pilot site in Bertie and the larger pilot site in Forsyth County in order to ascertain if the efficacy of disseminating informational packets varied by jurisdiction size. Again, no statistically significant differences emerged suggesting that disseminating informational packets is not dependent on, or related to, population size nor court case load volumes.

Table 6 Study Period Filing Status: Bertie and Forsyth

County	Number Filing Child Support and Protection Order	Number Filing Protection Order Only
Bertie	1	7
Forsyth	5	151

Yates Corrected Chi-square: $X(1, N=164) = .160, p=.689$

Aggregate Case Filing Rate Analysis

Table 7 Number of Child Support Filings per 1,000 Civil Protection Order Filings

County	Baseline Filing Rate	Study Filing Rate	% Change
Bertie	1,158	920**	- 20.6%
Forsyth	352.2	468.7*	+ 33.1%
Guilford	1,825	2,122*	+ 16.3%
Pender	389.6	398.0**	+ 2.2%

* $t(9, N=10) = 2.22, p = .027$
 ** $t(9, N=10) = 2.67, p = .013$

As Table 7 (page 7) reveals, child support filing rates grew in three of the study sites, when comparing baseline and study periods, and declined in the fourth site. The largest growth occurred in Forsyth County with a 33.1% increase from a filing rate of 352.2, in the baseline period, to 468.7 per 1,000 protection order filings in the study period. Child support filing rates grew 16.3% in Guilford County and 2.2% in Pender County. Filing rates declined 20.6% in Bertie County from a baseline rate of 1,158 to a study period rate of 920 child support filings per 1,000 protection order filings. No statistically significant differences were found to exist for any of the within county filing rates across the baseline and study periods. For example, Forsyth's baseline filing rate did not differ significantly from its study period filing rate.

Statistically significant differences were found to exist for the between county comparisons with the child support filing rate, during the study period, in Forsyth County (468.7) being significantly lower than the comparable rate in the control site of Guilford County (2,122). Consequently the dissemination of information packets to individuals filing civil protection orders, had no impact or effect on raising child support filing rates in the larger counties but did have an impact within the smaller counties as the filing rate in the pilot test site, Bertie County, was 2.3 times greater than the study period filing rate in the control or comparison county of Pender.

Discussion/Policy Implications and Recommendations

The person-based data suggest that providing child support informational packets to individuals seeking relief through a civil protection order marginally increased the number of child support filings in one of the pilot or test sites but not in the other. However, the increase from baseline to study period was substantially small with only five more filings occurring during the study period. Comparisons between the pilot sites and control sites did not reveal any significant increases in the number of child support filings suggesting that the dissemination of informational packets had no

substantial impact on improving or escalating child support requests among people who have filed a civil protection order.

Comparisons utilizing child support filing rates produced differing results with statistically significant differences being found between the pilot and control sites. However, in one matched group the child support filing rate was found to be higher in the control site versus the study or pilot site. Comparisons between the smaller jurisdictions did reveal a significant increase in the child support filing rate during the study period and in the pilot county in which informational materials were distributed to persons filing civil protection orders. While rates are more statistically robust and more preferable and reliable than actual counts, it is difficult to attribute the increase in child support filings as a direct result of disseminating the informational packets. Other factors, such as changes in policies and procedures or local practices could also explain increasing filing rates independent of distributing informational materials.

Consequently, given the mixed or inconclusive findings and the low number of persons filing both child support and civil protection orders, it is suggested that the practice of disseminating informational packets does not substantially increase child support filings but neither does it reduce the filing of child support requests either. If local officials deem the practice as valuable and not time or cost prohibitive then perhaps a slight increase in the number of child support filings, among individuals seeking relief under a civil protection order, over time will produce a cumulative and beneficial gain. This study only examined a three month period, thus more dual filings would be expected if the study period was expanded to cover an entire year.

The fact that none of the individuals receiving informational packets requested a follow-up phone call should not be interpreted as a failed technique. Since only a small number of packets were distributed in Bertie County (N=8), it is recommended that the use of a follow-up phone call, as an enhanced supplement to receiving the informational packet, be replicated again within a jurisdiction that has a substantially higher volume of civil protection orders. Thus, the ability of a completed follow-up phone call as a means for increasing child support requests remains untested.

One limitation of the study involved disseminating the informational packets to all individuals who filed civil protection order requests during the three month study period, as opposed to providing the packets to only those individuals who had children.

Consequently, it was not known how many of the individuals who received the materials were not eligible, nor had a need, to file for child support in the first place. It is possible that for a large number of civil protection order applicants the issue of filing for child support was moot; thus the number or percentage of dual applicants was artificially lowered as a result. Further replication of this study should follow a stricter methodology and only provide informational packets to those individuals who have children and are thus eligible for receiving child support. Matching by name only, as opposed to using a unique identifier as well as the person's name, posed another limitation and may have served to reduce the number of identified cases involving true dual filings.

North Carolina, like many states contains a provision within its protective order statute for ordering child support (G.S. 50B-3(a)(6)). As noted in the introduction to this study, an earlier report by the North Carolina Criminal Justice Analysis Center documented a reluctance by district courts to order this support in the context of a so-called 50B hearing (Refer to www.ncgccd.org/systemstats/winter02.pdf for a copy of this study). The impetus for this study came from a concern that the financial implications involved in exiting an abusive relationship from a partner should be adequately addressed as part of a civil domestic violence protective order. However, given the reluctance of courts to consider support, a pilot was undertaken to determine whether a set of strategies would encourage plaintiffs to apply for an alternate, non-emergency, permanent form of child support allowable under Article 9 of Chapter 110 the NC General Statutes.

In short, the strategies tested were not effective in increasing the number of applications for so-called IVD support.

There appear to be a number of explanations for the lack of impact the two strategies had on plaintiffs' applications to the IVD office for permanent child support. These include:

1. Plaintiffs may not be planning to separate permanently from their abusive partner and therefore wouldn't see the relevance of applying for this form of support. Research suggests that many victims simply want the violence to cease, and don't necessarily desire a permanent dissolution of the relationship, particularly when children are in common.
2. Plaintiffs may be faced with too many overwhelming and time-consuming tasks related to assuring their own safety and the safety of their children to effectively manage the application process for permanent support.
3. The effort to not simply increase but establish a new process within the complicated process of applying for relief under Chapter 50B may be more complicated and require more intensity than originally conceived.

One of the most compelling and unanticipated findings in the study was the lack of applications to the IVD office prior to the inception of the study. In Forsyth, Pender, and Bertie counties, there were *no* applications for permanent support by plaintiffs in domestic violence protective order cases the previous year. In Guilford, there were only 15. In effect, then, plaintiffs are not requesting (and therefore not receiving) any formally ordered support for the children they have in common with the defendant (and therefore, the system is unprepared or at least unaccustomed to requests for information or assistance in this regard). Based on general knowledge of abusive relationships, it is highly unlikely that the defendant is willingly and informally providing this support, and unlikely that the plaintiff has other alternatives available to sustain them financially in the event of a separation. And perhaps most concerning, as the literature suggests, many plaintiffs likely return to an abusive relationship due to a perceived fear of lack of options, particularly in relation to providing for their own and their children's basic needs. The results of this study bear this fear out.

Some anecdotal evidence exists that attorneys and advocates don't encourage applications for child support relief in a 50B action because of the court's stated reluctance to consider or order it. However, it's unclear whether these advocates are encouraging applications for permanent child support through the IVD office. It may be worthwhile to investigate whether that process is in place, which would illuminate the reasons for the current study's lack of impact on the plaintiff's behavior. For example, if attorneys and advocates are actively encouraging plaintiffs to apply, and they don't, the explanation that they are overwhelmed with other paperwork and tasks, or aren't planning on a permanent separation from the defendant, seems plausible. If advocates are not actively encouraging plaintiffs to apply for permanent support through the IVD office, it may be useful to consider educating those system representatives on its importance.

In summary, the following policy recommendations are offered:

- 1) Efforts should be made to increase the consideration and awarding of child support in 50B hearings.
- 2) Attorneys and advocates should be educated on the IVD process in order to assist their clients with deciding whether or not to apply for permanent child support.
- 3) More research should be conducted to determine the extent to which this education is currently occurring within the attorney and advocate populations.
- 4) Replication of the study, within a jurisdiction that processes more civil protection orders, should occur with informational packets being distributed to only those plaintiffs who have minor children. This replication should also involve a re-testing of the follow-up phone call strategy.

Prior SystemStats and reports include:

The Bethesda Model: Providing A New Day for North Carolina's Suspended Youth

The New North Carolinians: Doing Justice for All in the Criminal Justice System: Providing Services to a Rising Hispanic and Latino Population in North Carolina

Maintaining Compliance with the JJDP Act in North Carolina (SystemStats)

Criminal Justice Funding in North Carolina: A System in Crisis

Governor's Crime Commission Legislative Agenda

The Nature and Scope of Hispanic/Latino Gangs in North Carolina

Automation and Technology Capabilities Survey: Domestic Violence and Sexual Assault Service Providers (SystemStats)

DMC Minority Contact Reduction Initiative in North Carolina (SystemStats)

Juvenile Structured Day and Alternative Learning Programs: Impact and Process Study (SystemStats)

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